

Exhibit A

EXHIBIT A

TABLE OF CHALLENGED STATEMENTS

Note: Underlined text represents portion of statement that Plaintiffs allege was false or misleading; if there is no underlining, Plaintiffs allege that the entire statement was false or misleading.

Stmt. No.	Date	Statement	Person Making Statement	Source	Forward Looking?
1	4/25/2000	<p>MR. CHARLES WILLHOIT: Hi, guys. Congratulations on the quarter. A couple of quick questions for you. I guess the first is just a quick clarification. When you were talking about the 4x capacity increase, what's the timing of trying to get to the 4x? Is this a twelve-month type of timing here?</p> <p>MR. KALKHOVEN: Well, we started, Charles, at the beginning of the calendar year — the fiscal year by certainly we're going to do a 2x, and very quickly that worked out that it wasn't going to be enough, 2x by the end of this calendar — fiscal year. Then, we went to 3, and now to 4. But the guy who is actually going to be responsible for all of this, I'm going to let my friend and colleague Jozef confuse you, tell you what he thinks.</p> <p>DR. STRAUS: Yeah, thanks Kevin. What really is happening in the industry we are indeed fortunate that our customers are seeing unprecedented demand. And, the minute we do have 4x planned, three months later that 4x is only 2x, and so we've got to continuously — this is a continuous update to 4x, and we, as Kevin indicated, <u>the market is exceeding, you know, our ability to ramp up</u> before you. At least for the next two or three years we see that going forward so we will be looking very good.</p>	Dr. Straus	<p>Conference Call with Securities Analysts</p> <p><u>Summary Judgment Record:</u> Hrvatin Ex. 5, at 12.</p> <p><u>Trial Record:</u> Joint Pretrial Conference Statement, Exhibit D, at 12.</p>	Yes
2	4/25/2000	<p>As you know, there are really three markets that we serve. The largest to date is Long Haul and its related submarine technology. Cable television is the second and the biggest long-term market, which is still nascent but approaching is Metro, and we expect it to add significantly to the demand in calendar 2001. <u>In all of these markets, the demand for bandwidth technology and components remains incredibly strong, and I believe we will see this demand accelerated.</u></p>	Mr. Kalkhoven	<p>Conference Call with Securities Analysts</p> <p><u>Summary Judgment Record:</u> Hrvatin Ex. 5, at 4-5.</p> <p><u>Trial Record:</u> Joint Pretrial Conference Statement, Exhibit D, at 4-5.</p>	Yes

Stmt. No.	Date	Statement	Person Making Statement	Source	Forward Looking?
3	7/26/2000	We have many product advances in just the fourth quarter, and I would like to highlight a few here. Products in our 10- and 40-gigabit families had a great quarter. We shipped our 10- gigabit, small-factor transceiver to major customers and they are receiving favorable reviews at several additional customers. Lithium-niobate modulators experienced over 100 percent sequential growth in the quarter, and we began production in our new modulator facility. <u>Two- and-a-half-gigabit modulators continue to demonstrate strong growth</u> , and we are increasing production on 10-gigabit modulators as fast as we can. We also had several design wins for our 10- and 40-gigabit integrated optic transmission sub-assembly.	Dr. Straus	Conference Call with Securities Analysts <u>Summary Judgment Record</u> : Hrvatin Ex. 9, at 4. <u>Trial Record</u> : Joint Pretrial Conference Statement, Exhibit E, at 4.	No
4	9/1/2000	JDSU's intangible assets at June 30, 2000, were \$22.3 billion, including goodwill of \$21.3 billion.	JDSU Signed by Mr. Muller	Form 8-K <u>Summary Judgment Record</u> : Hrvatin Ex. 10, at 28, 35. <u>Trial Record</u> : Exhibit 1963, at 28, 35.	No
5	9/7/2000	JDSU's intangible assets, including goodwill, were \$22.3 billion at June 30, 2000.	JDSU Signed by Dr. Straus and Mr. Muller	SDL Proxy-Prospectus (in Registration Statement on Form S-4) <u>Summary Judgment Record</u> : Hrvatin Ex. 11, at 15. <u>Trial Record</u> : Exhibit 435, at 25 of 198.	No

Stmnt. No.	Date	Statement	Person Making Statement	Source	Forward Looking?
6	10/26/2000	<p>MR. SUBU SUBRAHMANYAN: Thank you very much. Congratulations on a good quarter, guys. A couple of quick questions. First, Jay, you mentioned that your lead times have not gone down and you also talked about that there were no inventory build at customers. Can you just elaborate on that and talk about how that visibility is? And my second question was on arrayed wave guides, you mentioned that you had some design wins. If you could talk about for high-telecom systems, the decision processes being made on arrayed waveguides versus thin film filters?</p> <p>MR. ABBE: Let me comment, Subu, first on your inventory and lead-time question. We spend a substantial amount of time, our sales engineers with our customers. And, our customers are very close to us and their other suppliers in giving us visibility. They know they need to give us visibility in their needs. And, because <u>we still are supply or capacity constrained</u>, we are continually talking with our customers about the lead-time process. We negotiate and discuss with our customers so that we can meet the needs of all of our customers. It is because our lead times remain “long” that it is the basis for these discussions and negotiations with our customers. And, this is why we know their requests and demands for us are real. If they weren’t real in our judgment, they wouldn’t, we wouldn’t be having this level of interchange. If they had inventory, we wouldn’t be having this level of increased request.</p>	Mr. Abbe	<p>Conference Call with Securities Analysts</p> <p><u>Summary Judgment Record:</u> Hrvatin Ex. 13, at 9.</p> <p><u>Trial Record:</u> Joint Pretrial Conference Statement, Exhibit F, at 9.</p>	No
7	10/26/2000	<p>MR. MULLER: Thank you, Jozef. As Jozef said, we had another quarter with very strong results. We reported 786 million in sales for the quarter and this represented a 23 percent sequential increase from the pro forma fourth quarter sales, combining the separately reported results of JDS Uniphase and E-Tek. Please keep in mind that all of this growth was organic. Sales of telecommunications products were up 26 percent sequentially. This growth was well above our high teens guidance for the quarter. <u>These results reflect a continuing surge of demand in the fiberoptic communications industry, our broad product line, our extensive customer relationships, and our substantial progress in expanding capacity to enable us to meet customer demand and serve the needs of our markets.</u>¹</p>	Mr. Muller	<p>Conference Call with Securities Analysts</p> <p><u>Summary Judgment Record:</u> Hrvatin Ex. 13, at 2.</p> <p><u>Trial Record:</u> Joint Pretrial Conference Statement, Exhibit F, at 2.</p>	No

¹ Defendants contend that the entire underlined statement did not survive summary judgment. The Court granted summary judgment as to statements concerning the strength of demand throughout calendar year 2000. (Summary Judgment Order at 14.) The Court only permitted Statement 30 to go forward because it found that product transition issues “call[ed] into question Defendants’ more general statement regarding JDS’s progress ‘in expanding capacity to enable [it] to meet customer demand and serve the needs of [its] markets.’” (Summary Judgment Order at 19.) These rulings show that the Court found no evidence that the statement that JDSU’s “results reflect a continuing surge of demand in the fiberoptic communications industry, our broad product line, our extensive customer relationships” was false or misleading. Defendants contend that Plaintiffs should be limited to challenging the precise text that the Court cited in denying summary judgment.

Stmt. No.	Date	Statement	Person Making Statement	Source	Forward Looking?
8	10/30/2000	<p>This Form S-3 incorporated by reference the following:</p> <ul style="list-style-type: none"> The September 1 Form 8-K, which stated that JDSU's intangible assets at June 30, 2000, were \$22.3 billion, including goodwill of \$21.3 billion. 	JDSU Signed by Dr. Straus and Mr. Muller.	Form S-3 filed October 30, 2000. <u>Trial Record</u> : Exhibit 861, at 20 of 33.	No
9	11/14/2000	JDSU's Goodwill was "\$21.1 [billion]" at September 30, 2000.	JDSU Signed by Mr. Muller	Form 10-Q for the quarterly period ended September 30, 2000 (first quarter of fiscal year 2001) <u>Summary Judgment Record</u> : Hrvatin Ex. 14, at 8. <u>Trial Record</u> : Exhibit 2095, at 8.	No
10	11/17/2000	<p>The Amended SDL Registration Statement and Proxy-Prospectus incorporated by reference the following:</p> <ul style="list-style-type: none"> the September 1 Form 8-K, which stated that JDSU's intangible assets at June 30, 2000, were \$22.3 billion, including goodwill of \$21.3 billion; and, the November 14 Form 10-Q, which stated that JDSU's Goodwill was "\$21.1 [billion]" at September 30, 2000. 	JDSU Signed by Dr. Straus and Mr. Muller	Am. SDL Proxy Prospectus (in Am. SDL Registration Statement) <u>Summary Judgment Record</u> : Hrvatin Ex. 15, at 102. <u>Trial Record</u> : Exhibit 2103, at 102.	No
11	1/25/2001	<p>MS. LESLIE MALLON: Great, thank you. The first question is, with the heavy expansion that you're now targeting toward the active space, I was wondering the timeframe when you do expect lead-times in actives to come down similarly to what we've seen in the passives side?</p> <p>MR. ABBE: <u>We don't expect lead times to come down in the near-term because our demand is so strong.</u> We expect the current situation to hold for a number of quarters. It takes a finite amount of time for our capacity expansions to continue to come on, and when we couple that with our new product developments, we're not looking for a big shift here.</p>	Mr. Abbe	Conference Call with Securities Analysts <u>Summary Judgment Record</u> : Hrvatin Ex. 16, at 13. <u>Trial Record</u> : Joint Pretrial Conference Statement, Exhibit G, at 13.	Yes

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12	1/25/2001	MR. CHARLES WILLHOIT: This is a quick second question. If you look out to the next quarter, maybe the quarter beyond, would you expect to see any new 10-percent customers that we don't see yet? MR. ABBE: Yes Charlie, we do. <u>Our backlog</u> , as you implied, <u>is enormous</u> and we do expect some new customers to emerge.	Mr. Abbe	Conference Call with Securities Analysts <u>Summary Judgment Record</u> : Hrvatin Ex. 16, at 10. <u>Trial Record</u> : Joint Pretrial Conference Statement, Exhibit G, at 10.	No
13	1/25/2001	We expect our capital spending to be approximately \$750 million for the year. This has not changed from our initial guidance at the beginning of the year. We will guide you to expect third quarter earnings-per-share to be approximately equal to or slightly above the 21 cents reported for the second quarter. <u>For the year, we expect earnings-per-share to be at 82 cents</u> , which is slightly above the consensus that existed prior to this call.	Mr. Muller	Conference Call with Securities Analysts <u>Summary Judgment Record</u> : Hrvatin Ex. 16, at 7. <u>Trial Record</u> : Joint Pretrial Conference Statement, Exhibit G, at 7.	Yes
14	1/25/2001	<u>We anticipate sales in the March quarter to be 7 percent to 10 percent above sales for the quarter ended December 30.</u> This change in guidance from previous periods reflects uncertain near-term carrier capital spending plans, customer inventory adjustments, and the somewhat lower level of near-term sales visibility than we and our customers have experienced in recent periods. We expect sales for our fiscal year ending June 30 to be at the low end of the previously announced range of 115 to 120 percent above the pro forma combined sales of the year ended June 30, 2000. Such pro forma sales included the separately reported results of E-Tek Dynamics. Our guidance does not include any anticipated effects of the pending merger with SDL, and we intend to revise our guidance upon the closing of our merger with SDL. Our margin guidance remains unchanged, 50 to 51 percent gross margin, 28 to 30 percent operating margin, based on R&D spending of around 8 to 9 percent of sales and SG&A spending of approximately 11 to 12 percent of sales. We expect our tax rate for fiscal 2000 to be at 34 percent, and shares outstanding to be in the range of 1.015 billion next quarter and for fiscal 2001.	Mr. Muller	Conference Call with Securities Analysts <u>Summary Judgment Record</u> : Hrvatin Ex. 16, at 6-7. <u>Trial Record</u> : Joint Pretrial Conference Statement, Exhibit G, at 6-7.	Yes

Stmt. No.	Date	Statement	Person Making Statement	Source	Forward Looking?
15	1/25/2001	JDSU's inventories balance at December 30, 2000, was "[§]493.9 [million]."	JDSU	JDSU Press Release <u>Summary Judgment Record</u> : Hrvatin Ex. 28, at 5. <u>Trial Record</u> : Exhibit 2185, at 5.	No
16	2/12/2001	This Form S-4 incorporates the Form S-4/A filed on November 17, 2000 which incorporated the following: <ul style="list-style-type: none"> the September 1 Form 8-K, which stated that JDSU's intangible assets at June 30, 2000, were \$22.3 billion, including goodwill of \$21.3 billion; and, the November 14 Form 10-Q, which stated that JDSU's Goodwill was "\$21.1 [billion]" at September 30, 2000. 	JDSU Signed by Dr. Straus and Mr. Muller	Form S-4 filed February 12, 2001 <u>Trial Record</u> : Exhibit 862, at 3 of 11.	No
17	2/13/2001	<u>The Company expects sales in the quarter ending March 31 to be at or slightly above \$1 billion with earnings per share of \$0.17.</u> This consolidated guidance incorporates the anticipated results of JDS Uniphase and SDL, elimination of inter-company transactions between the parties, and exclusion of the results of the Zurich operations sold to Nortel Network, all pro rated from February 13, the date of the close of the merger, as applicable. In addition, this guidance reflects continued uncertainty in carrier capital spending prospects and customer inventory adjustments as well as a lower level of near-term sales visibility than the Company has experienced in recent periods. The Company anticipates sales for its fiscal year ending June 30, 2001 to be \$3.9 billion with earnings per share of \$0.74.	JDSU	JDSU Press Release <u>Summary Judgment Record</u> : Hrvatin Ex. 17, at 1. <u>Trial Record</u> : Exhibit 649, at 1.	Yes
18	2/13/2001	JDSU's inventories balance was "[§]493.9 [million]" at December 30, 2000.	JDSU Signed by Mr. Muller	Form 10-Q for the quarterly period ended December 30, 2000 (second quarter of fiscal year 2001) <u>Summary Judgment Record</u> : Hrvatin Ex. 19, at 3. <u>Trial Record</u> : Exhibit 2209, at 3.	No

Stmt. No.	Date	Statement	Person Making Statement	Source	Forward Looking?
19	2/13/2001	JDSU's goodwill was \$21.2 billion at December 30, 2000.	JDSU Signed by Mr. Muller	Form 10-Q for the quarterly period ended December 30, 2000 (second quarter of fiscal year 2001) <u>Summary Judgment Record</u> : Hrvatin Ex. 19, at 7. <u>Trial Record</u> : Exhibit 2209, at 7.	No
20	3/23/2001	JDSU and SDL's combined <i>pro forma</i> intangible assets, including goodwill, were \$60.2 billion at December 30, 2000.	JDSU Signed by Mr. Muller	Form 8-K dated March 23, 2001. <u>Trial Record</u> : Exhibit 863, at 154 of 171.	No
21	3/23/2001	JDSU's inventories balance was \$493.9 million at December 30, 2000.	JDSU Signed by Mr. Muller	Form 8-K dated March 23, 2001. <u>Trial Record</u> : Exhibit 863, at 153 of 171.	No

Stmt. No.	Date	Statement	Person Making Statement	Source	Forward Looking?
22	4/24/2001	<p>DR. STRAUS: Let me first summarize the important news we are reporting today. <u>Our third quarter results were</u> consistent with our previous guidance, as we reported sales of \$920 million and <u>pro forma earnings of 14 cents per share</u>. The global realignment program we announce today is our commitment to continued competitiveness in these economic times and in the future. In the program, we have focused on three key areas in which we are committed in being leaders: product technology, performance and innovation; manufacturing excellence; and customer service.</p> <p>MR. MULLER: And let me provide a little of the, some detail with regard to the sales performance. Source lasers, modulators, and detectors all grew sequentially during the quarter. Transponders grew several fold over the second quarter. Sales of amplifiers declined, and, of course, amplification and transmission sales also grew sequentially because of the effect of the SDL merger, offset in part by the Zurich divestiture. WDM switching and thin film products represented 53 percent of total sales and declined 26 percent in the second quarter. Please note that this segment includes our non-telecommunications businesses because of their common reporting relationships, and those numbers are included in the comparable second quarter numbers. WDM and fiber amplifier component sales, as well as other passive components declined, some sharply, during the quarter. Fiber Bragg grating products showed good growth from the second quarter, as did our sales of test equipment. <u>Pro forma gross margin was 48.6 percent of sales for the quarter</u>. This number is below our guidance reflecting lower sales. The higher fixed cost structure resulting from the SDL merger and higher inventory reserves reflecting our lower sales visibility. R&D was 10 percent of sales for the quarter, SG&A 13.6 percent. Both expense levels increased as a percentage of sales, because of lower sales. We reported 230 million dollars in pro forma operating profit for the quarter, a margin of 25 percent of sales. Interest and other income were \$12.1 million for the quarter. Our pro forma tax rate was 34 percent, and on 1.182 billion shares, we earned 14 cents a share or 160 million dollars, and those were equal to our latest guidance.</p>	<p>Dr. Straus</p> <p>Mr. Muller</p>	<p>Conference Call with Securities Analysts</p> <p><u>Summary Judgment Record:</u> Hrvatin Ex. 33, at 2-3.</p> <p><u>Trial Record:</u> Joint Pretrial Conference Statement, Exhibit I, at 2-3.</p>	No
23	4/24/2001	JDSU's gross profits were \$425.9 million for the quarter ended March 31, 2001, and \$1,251.0 million for the nine months ended March 31, 2001.	JDSU	<p>JDSU Press Release</p> <p><u>Summary Judgment Record:</u> Hrvatin Ex. 30, at 6.</p> <p><u>Trial Record:</u> Exhibit 2315, at 6.</p>	No

Stmt. No.	Date	Statement	Person Making Statement	Source	Forward Looking?
24	5/11/2001	JDSU's inventories balance was "\$672.9 [million]" at March 31, 2001.	JDSU Signed by Mr. Muller	Form 10-Q for the quarterly period ended March 31, 2001 (third quarter of fiscal year 2001) <u>Summary Judgment Record</u> : Hrvatin Ex. 20, at 2. <u>Trial Record</u> : Exhibit 2347, at 2.	No